

## STATE OF MINNESOTA

## EIGHTY-FIRST SESSION — 1999

---

 TWELFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 3, 1999

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Jeffry A. Lervik, Roseville Lutheran Church, Roseville, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorman	Holberg	Luther	Ozment	Stang
Abrams	Dorn	Holsten	Mahoney	Paulsen	Storm
Anderson, B.	Entenza	Howes	Mares	Pawlenty	Swenson
Anderson, I.	Erhardt	Huntley	Mariani	Paymar	Sykora
Bakk	Erickson	Jaros	Marko	Pelowski	Tingelstad
Biernat	Finseth	Jennings	McCollum	Peterson	Tomassoni
Bishop	Folliard	Johnson	McElroy	Pugh	Trimble
Boudreau	Fuller	Juhnke	McGuire	Rest	Tuma
Bradley	Gerlach	Kalis	Milbert	Reuter	Tunheim
Broecker	Gleason	Kelliher	Molnau	Rhodes	Van Dellen
Buesgens	Goodno	Kielkucki	Mulder	Rifenberg	Vandever
Carlson	Gray	Knoblach	Mullery	Rostberg	Wagenius
Carruthers	Greenfield	Koskinen	Munger	Rukavina	Wejzman
Cassell	Greiling	Krinkie	Murphy	Schumacher	Wenzel
Chaudhary	Gunther	Kubly	Ness	Seagren	Westerberg
Clark, J.	Haake	Kuisle	Nornes	Seifert, J.	Westfall
Clark, K.	Haas	Larson, D.	Olson	Seifert, M.	Westrom
Daggett	Hackbarth	Leighton	Opatz	Skoe	Wilkin
Davids	Harder	Lenczewski	Orfield	Skoglund	Winter
Dawkins	Hasskamp	Leppik	Osskopp	Smith	Wolf
Dehler	Hausman	Lieder	Osthoff	Solberg	Workman
Dempsey	Hilty	Lindner	Otremba	Stanek	Spk. Sviggum

A quorum was present.

Kahn and Larsen, P., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Westerberg moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 1, A bill for an act relating to taxation; providing an income tax rebate; providing for agricultural assistance; appropriating money.

Reported the same back with the following amendments:

Page 3, after line 6, insert:

"Subd. 8. [WRONGLY CASHED CHECKS.] If a rebate check is cashed by someone other than the payee or payees of the check and the commissioner of revenue determines that the check has been forged or improperly endorsed, the commissioner may issue an order of assessment for the amount of the check against the person or persons cashing it. The assessment must be made within two years after the check is cashed, but if cashing the check constitutes theft under Minnesota Statutes, section 609.52, or forgery under Minnesota Statutes, section 609.631, the assessment may be made at any time. The assessment may be appealed administratively and judicially. The commissioner may take action to collect the assessment in the same manner as provided by Minnesota Statutes, chapter 289A, for any other order of the commissioner assessing tax.

Subd. 9. [CONTRACTING AUTHORITY.] Notwithstanding Minnesota Statutes, sections 9.031, 16A.40, 16B.49, 16B.50, and any other law to the contrary, the commissioner of revenue may take whatever actions the commissioner deems necessary to pay the rebates required by this section, and may, in consultation with the commissioner of finance and the state treasurer, contract with a private vendor or vendors to process, print, and mail the rebate checks or warrants required under this section and receive and disburse state funds to pay those checks or warrants."

Page 3, line 7, delete "8" and insert "10"

Page 6, delete lines 32 to 34 and insert:

"(b) \$1,075,000 is appropriated from the general fund to the commissioner of revenue to administer the rebate under section 1."

Page 6, line 35, delete "necessary to make" and insert "of"

Page 7, line 2, delete everything after "(d)"

Page 7, line 3, delete everything before "is" and insert "\$68,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. No. 1 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Larson, D.; Gleason and Folliard introduced:

H. F. No. 470, A bill for an act relating to elections; providing term limits for state legislators and constitutional officers; proposing an amendment to the Minnesota Constitution, article IV, section 6; and article V, sections 2 and 4.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Knoblach, Opatz, Schumacher, Dehler and Stanek introduced:

H. F. No. 471, A bill for an act relating to retirement; St. Cloud police consolidation account; providing for the inclusion of account pension and benefit recipients in the 1997 PERA-P&F benefit increases enacted during the course of the consolidation process.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Harder and Winter introduced:

H. F. No. 472, A bill for an act relating to taxes; exempting the purchase of certain property used in constructing a multipurpose center from sales and use taxes; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Harder; Seifert, M., and Otremba introduced:

H. F. No. 473, A bill for an act relating to education; creating an exception to the high school diploma warranty coverage for kindergarten through grade 12 students who refuse to remain in a grade at the school's recommendation; amending Minnesota Statutes 1998, section 135A.081, subdivision 3.

The bill was read for the first time and referred to the Committee on Education Policy.

Vandever; Westerberg; Carruthers; Haas; Abeler; Tuma; Daggett; Seifert, J.; Erickson; Hackbarth; Gerlach; Clark, J.; Reuter; Dorman and Haake introduced:

H. F. No. 474, A bill for an act relating to taxation; refundable tax credit; making the property tax rebate permanent for senior citizens; appropriating money; amending Minnesota Statutes 1998, section 290A.03, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Stang, Molnau, Murphy, Rukavina and Rifenberg introduced:

H. F. No. 475, A bill for an act relating to local government; providing for reimbursement to officers and employees for costs and legal fees to defend criminal charges in certain cases; amending Minnesota Statutes 1998, section 465.76.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Juhnke introduced:

H. F. No. 476, A bill for an act relating to health; modifying standards for ambulance services; modifying provisions for first responders; providing for certification of emergency medical technicians; providing for certification of medical response units; providing for emergency medical technician instructor certification; requiring approval of training programs; setting fees; providing for reports of misconduct; providing criminal and civil penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38a, and by adding a subdivision; 144E.001, by adding subdivisions; 144E.10, subdivision 1; 144E.11, by adding a subdivision; 144E.16, subdivision 4; 144E.18; 144E.27, by adding subdivisions; and 145A.02, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 144E; repealing Minnesota Statutes 1998, sections 144E.16, subdivisions 1, 2, 3, and 6; 144E.17; 144E.25; and 144E.30, subdivisions 1, 2, and 6; Minnesota Rules, parts 4690.0100, subparts 4, 13, 15, 19, 20, 21, 22, 23, 24, 26, 27, and 29; 4690.0300; 4690.0400; 4690.0500; 4690.0600; 4690.0700; 4690.0800, subparts 1 and 2; 4690.0900; 4690.1000; 4690.1100; 4690.1200; 4690.1300; 4690.1600; 4690.1700; 4690.2100; 4690.2200, subparts 1, 3, 4, and 5; 4690.2300; 4690.2400, subparts 1, 2, and 3; 4690.2500; 4690.2900; 4690.3000; 4690.3700; 4690.3900; 4690.4000; 4690.4100; 4690.4200; 4690.4300; 4690.4400; 4690.4500; 4690.4600; 4690.4700; 4690.4800; 4690.4900; 4690.5000; 4690.5100; 4690.5200; 4690.5300; 4690.5400; 4690.5500; 4690.5700; 4690.5800; 4690.5900; 4690.6000; 4690.6100; 4690.6200; 4690.6300; 4690.6400; 4690.6500; 4690.6600; 4690.6700; 4690.6800; 4690.7000; 4690.7100; 4690.7200; 4690.7300; 4690.7400; 4690.7500; 4690.7600; 4690.7700; 4690.7800; 4690.8300, subparts 1, 2, 3, 4, and 5; and 4735.5000.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Carruthers and Luther introduced:

H. F. No. 477, A bill for an act relating to education; creating a virtual school district; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126C.

The bill was read for the first time and referred to the Committee on Education Policy.

Haas, Jennings, Davids, Tomassoni and Paulsen introduced:

H. F. No. 478, A bill for an act relating to commerce; providing for the protection of structured settlements; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the first time and referred to the Committee on Commerce.

Westrom; Wenzel; Harder; Westfall; Cassell; Seifert, M.; Ness and Swenson introduced:

H. F. No. 479, A bill for an act relating to agriculture; establishing an advisory task force on contract production to study the issue of livestock, agricultural commodity, and specialty crops produced under contract; requiring a report; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Workman, Molnau, Buesgens and Huntley introduced:

H. F. No. 480, A bill for an act relating to human services; authorizing a project to reconfigure two intermediate care facilities for persons with mental retardation located in Carver county.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Marko introduced:

H. F. No. 481, A bill for an act relating to natural resources; requiring a state park proposal plan for Grey Cloud Island in Washington county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Pelowski and Seifert, M., introduced:

H. F. No. 482, A bill for an act relating to education; requiring kindergarten through grade 12 supervisory personnel to teach at least one one-term course per school year; amending Minnesota Statutes 1998, section 122A.15, subdivision 2.

The bill was read for the first time and referred to the Committee on Education Policy.

Tuma and Greiling introduced:

H. F. No. 483, A bill for an act relating to education; modifying special education provisions; providing for rulemaking; amending Minnesota Statutes 1998, sections 121A.43; 125A.03; 125A.09, subdivisions 6 and 8; 125A.10; 125A.18; 125A.24; and 125A.75, subdivision 8, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education Policy.

Paulsen; Rhodes; Westfall; Luther; Rifenberg; Broecker; Clark, J.; Sviggum; Westerberg; Erickson; Erhardt; Westrom; Mulder; Peterson; Tuma; Reuter; Harder; Krinkie; Bradley; Seifert, M.; Sykora; Osskopp; McElroy; Abeler; Anderson, B.; Vandever; Leppik and Kielkucki introduced:

H. F. No. 484, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 1998, sections 204C.19, subdivision 2; 204C.27; 204C.33; 204D.11, by adding a subdivision; 204D.15; 204D.16; and 204D.165; proposing coding for new law in Minnesota Statutes, chapter 3B.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Tomassoni, Dorn, Finseth, Nornes and Bakk introduced:

H. F. No. 485, A bill for an act relating to education; establishing declining pupil unit aid for school; appropriating money; amending Minnesota Statutes 1998, sections 126C.05, by adding a subdivision; and 126C.10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Bakk; Holsten; Anderson, I.; Finseth and Daggett introduced:

H. F. No. 486, A bill for an act relating to motor fuels; allowing bulk delivery of nonoxygenated gasoline for certain purchasers; amending Minnesota Statutes 1998, section 239.791, subdivision 1, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Storm, Dorn, Swenson, Molnau, Boudreau, Finseth, Ness and Gunther introduced:

H. F. No. 487, A bill for an act relating to agriculture; allowing foreign ownership of agricultural land operated for the production of poultry or poultry products; amending Minnesota Statutes 1998, section 500.221, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Greiling and Tuma introduced:

H. F. No. 488, A bill for an act relating to education; modifying special education provisions; providing for rulemaking; amending Minnesota Statutes 1998, sections 125A.03; 125A.07; 125A.08; 125A.09, subdivision 1; 125A.21, subdivision 2; 125A.30; 125A.33; 125A.44; and 125A.52, subdivision 1; repealing Minnesota Statutes 1998, section 125A.53; and Laws 1998, chapter 398, article 2, section 53.

The bill was read for the first time and referred to the Committee on Education Policy.

Carruthers, Bishop and Bradley introduced:

H. F. No. 489, A bill for an act relating to civil commitment; clarifying standards and procedures; modifying procedures governing persons committed as mentally ill and dangerous to the public; amending Minnesota Statutes 1998, sections 253B.065, subdivision 5; 253B.17, subdivision 1; 253B.18, subdivisions 1, 2, and 4c; 253B.23, subdivision 7; and 256G.08, subdivision 1.

The bill was read for the first time and referred to the Committee on Civil Law.

Tuma, Gunther, Juhnke, Entenza, Erickson and Murphy introduced:

H. F. No. 490, A bill for an act relating to education; appropriating money to fund the child guide prevention program.

The bill was read for the first time and referred to the Committee on Family and Early Childhood Education Finance.

Rukavina and Tomassoni introduced:

H. F. No. 491, A bill for an act relating to education; providing for a secondary student technical program; appropriating money.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Dorn, Gunther, Kalis, Leppik and Knoblach introduced:

H. F. No. 492, A bill for an act relating to education; authorizing building on a state university campus.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Greiling, Tomassoni, Sykora and Entenza introduced:

H. F. No. 493, A bill for an act relating to education funding; restoring training and experience revenue; appropriating money; amending Minnesota Statutes 1998, section 126C.11.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Howes; Bakk; Anderson, I.; Daggett and Fuller introduced:

H. F. No. 494, A bill for an act relating to game and fish; modifying the disposition of emergency deer feeding funds; amending Minnesota Statutes 1998, section 97A.075, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Howes and Fuller introduced:

H. F. No. 495, A bill for an act relating to recreation; appropriating money for alternative trails.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

## **MOTIONS AND RESOLUTIONS**

Mulder moved that the names of Rifenberg, Davids and Anderson, I., be added as authors on H. F. No. 352. The motion prevailed.

Mulder moved that the names of Davids, Harder, Rifenberg and Storm be added as authors on H. F. No. 401. The motion prevailed.

Erickson moved that the name of Trimble be added as an author on H. F. No. 404. The motion prevailed.

Howes moved that the name of Olson be added as an author on H. F. No. 406. The motion prevailed.

Gunther moved that the names of Schumacher and Storm be added as authors on H. F. No. 414. The motion prevailed.

Ozment moved that the name of Daggett be added as an author on H. F. No. 465. The motion prevailed.

Van Dellen moved that H. F. No. 56, now on the General Register, be re-referred to the Committee on Health and Human Services Policy. The motion prevailed.

Solberg moved that H. F. No. 392 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Commerce. The motion prevailed.

## FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Abrams announced his intention to place H. F. No. 1 on the Fiscal Calendar for Thursday, February 4, 1999.

## ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 1:30 p.m., Thursday, February 4, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:30 p.m., Thursday, February 4, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives